



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

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5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

July 8, 2019

Matthew Hoppock  
MuckRock News  
DEPT MR 70794  
411A Highland Ave  
Somerville, MA 02144-2516

Re: FOIA 2019-24853

Dear Mr. Hoppock,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek records regarding "appellate immigration judges".

Responsive documents are enclosed. There will no charge for these documents.

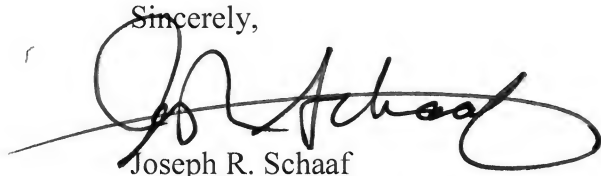
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be

postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schaaf", with a large, sweeping loop at the end.

Joseph R. Schaaf  
Senior Counsel for Administrative Law

**From:** [Ayers, Matia \(EOIR\)](#)  
**To:** [All of EOIR](#)  
**Subject:** EOIR Vacancy Announcement  
**Date:** Thursday, March 14, 2019 8:39:09 AM

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### EOIR Vacancy Announcements

The Human Resources Office has announced the following vacancy within EOIR, which may also be directly accessed at <https://www.usajobs.gov/GetJob/ViewDetails/527262400>.

Interested applicants should submit their resume according to the vacancy announcement instructions. Should you have any questions, please contact Tyler Walls at (816) 426-5706 or via email at [Tyler.Walls@opm.gov](mailto:Tyler.Walls@opm.gov)

Job Title: Appellate Immigration Judge (Board Member)

Department: Department of Justice

Agency: Executive Office for Immigration Review

Job Announcement Number: IJ-10382565-19-TW

SALARY RANGE: \$132,606 to \$174,500 /Per Year

OPEN PERIOD: 03/13/2019 to 03/26/2019

SERIES AND GRADE: IJ 00

POSITION INFORMATION: Full Time – Permanent

DUTY LOCATIONS: Many (See announcement for full list of locations)

WHO MAY BE CONSIDERED: U.S. Citizens and Excepted Service employees

JOB SUMMARY: The Executive Office for Immigration Review (EOIR) seeks highly-qualified individuals to join our team of expert professionals in becoming a part of our challenging and rewarding Agency. The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three adjudicatory components: The Office of the Chief Immigration Judge, which is responsible for managing the Immigration Courts where Immigration Judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of these Immigration Judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases.

Board Members are commissioned to serve in the capacity of an appellate immigration judge

in formal, quasi-judicial proceedings to review the determinations of immigration judges in removal and related proceedings, and of certain officers of the DHS in visa petition proceedings and other matters. All members of the Board review the record on appeal, including briefs, exhibits, and transcripts, and hear oral argument when conducted. The Board Member may concur or present dissenting opinions based on his/her view of any given case. The majority of the Board Member's duties fall into the general categories of removal proceedings, discretionary relief, claims of persecution, stays of removal, visa petitions, administrative fines, bond and detention, and immigration judge. Although the majority of the Board Members' time concerns hearing appeals, the incumbent is also qualified to conduct and may be assigned to conduct proceedings in the first instance as an immigration judge. Thank you.

### Human Resources Services

OfficialSeal (002)



**From:** [Sheehey, Kate \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#)  
**Subject:** Board Member Ad - last time  
**Date:** Friday, February 08, 2019 3:12:53 PM

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So the “appellate immigration judge” advertisement last time did say “6 vacancies” – see here: <https://www.usajobs.gov/GetJob/ViewDetails/511705900#> - it’s immediately above where the cities are listed. On the DOJ website (here: <https://www.justice.gov/legal-careers/job/appellate-immigration-judge-board-member>) it’s in a different spot, at the very bottom. That said, since those seemed to be missed, I also edited the line in the ad that says “more than one position may be filled from this vacancy announcement” to instead say “up to 6 positions may be filled from this vacancy announcement”. Hopefully that will make everything more clear.



**From:** [Sheehey, Kate \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#)  
**Subject:** Board Member Ad - additional language?  
**Date:** Thursday, February 07, 2019 5:05:07 PM

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James and Katherine – the Board has asked for two changes to the Board Member ad. They'd like to somehow reflect that we aren't actually hiring a person for every location (apparently a common issue/concern last time). I'd like to try to help people understand that there aren't spots in each location so that they only apply to the one in which they want to live – the more applications we receive the more it costs, so I don't want to pay for someone to apply to every location because they think it might be easier to get hired in Omaha than Houston. Second, the Board would like to include a qualification that applicants need experience with immigration law – I pointed out that such experience wasn't a necessity for IJs, whose ad we are mimicking. They pointed out that an appellate IJ is a different position and really has a greater need for knowledge of immigration law to begin with, as courtroom management isn't as major a component of the job. To both of these ends, I've inserted some draft language (highlighted) into appropriate sections of the ad. Please take a look and let me know what you think. I've also pasted the full text of the ad, below.

Kate

**MARKETING MESSAGE:**

This position is with the Board of Immigration Appeals (Board), within the Executive Office for Immigration Review (EOIR). The Board is currently hiring for multiple positions, which could be in any of the locations listed. Although multiple cities are listed, it is not the intention to hire an employee in each location. Rather, the intention is to make the limited number of positions available to people who may reside in a variety of locations, without predetermining specific locations. Please only apply to a location in which you would be willing to have a permanent duty station. Applying to more than one location does not increase your likelihood of selection as location will not be determinative of selection.

The Board is a quasi-judicial body and is the highest administrative tribunal in the field of immigration law. It is comprised of a Chairman, Vice Chairman, and Board Members, who are appointed by the Attorney General. The Board has nationwide jurisdiction and the responsibility for carrying out the Congressional mandate that the immigration laws be applied uniformly throughout the United States. In carrying out its functions, the Board reviews formal orders of immigration judges and certain officers of the Department of Homeland Security (DHS).

**QUALIFICATIONS:**

In order to qualify for the Board Member position, applicants must meet all of the minimum qualifications listed below.

**Education:** Applicants must possess a LL.B., LL.M., or a J.D. degree.

**-AND-**

**Licensure:** Applicants must be an active member of the bar, duly licensed and authorized to practice law as an attorney under the laws of a U.S. state, territory, Puerto Rico or the District of Columbia (include the date of your admission to the bar).

**-AND-**

**Experience:** Applicants must have a full seven (7) years of post-bar experience as a licensed attorney preparing for, participating in, and/or appealing formal hearings or trials involving litigation and/or

administrative law at the Federal, State or local level. Qualifying litigation experience involves cases in which a complaint was filed with a court, or a charging document (e.g., indictment or information) was issued by a court, a grand jury, or appropriate military authority. Qualifying administrative law experience involves cases in which a formal procedure was initiated by a governmental administrative body.

**Applicants must demonstrate some experience with immigration law.**

Text of Ad:

**JOB TITLE:** Appellate Immigration Judge

**DEPARTMENT:** Department of Justice

**AGENCY:** Executive Office for Immigration Review

**JOB ANNOUNCEMENT NUMBER:** IJ-10382565-19-TW

**SALARY RANGE:** \$132,606.00 to \$174,500.00 / Per Year

**OPEN PERIOD:** Monday, December 17, 2018 to Friday, December 21, 2018

**SERVICE TYPE:** Excepted

**SERIES & GRADE:** IJ-0905-00

**WORK SCHEDULE:**

Full-Time

**APPOINTMENT TYPE:**

Permanent

**PROMOTION POTENTIAL:** 00

**DUTY LOCATIONS:**

1 vacancy - Phoenix, Arizona

1 vacancy - Tucson, Arizona

1 vacancy - Los Angeles, California

1 vacancy - San Diego, California

1 vacancy - San Francisco, California

1 vacancy - Denver, Colorado

1 vacancy - Hartford, Connecticut

1 vacancy - Miami, Florida

1 vacancy - Orlando, Florida

1 vacancy - Atlanta, Georgia

1 vacancy - Honolulu, Hawaii

1 vacancy - Chicago, Illinois

1 vacancy - Louisville, Kentucky

1 vacancy - New Orleans, Louisiana

1 vacancy - Baltimore, Maryland

1 vacancy - Boston, Massachusetts

1 vacancy - Detroit, Michigan

1 vacancy - Bloomington, Minnesota

1 vacancy - Kansas City, Missouri  
1 vacancy - Omaha, Nebraska  
1 vacancy - Las Vegas, Nevada  
1 vacancy - Newark, New Jersey  
1 vacancy - Buffalo, New York  
1 vacancy - New York, New York  
1 vacancy - Charlotte, North Carolina  
1 vacancy - Cleveland, Ohio  
1 vacancy - Portland, Oregon  
1 vacancy - Philadelphia, Pennsylvania  
1 vacancy - San Juan, Puerto Rico  
1 vacancy - Memphis, Tennessee  
1 vacancy - Dallas, Texas  
1 vacancy - El Paso, Texas  
1 vacancy - Fort Worth, Texas  
1 vacancy - Houston, Texas  
1 vacancy - San Antonio, Texas  
1 vacancy - Salt Lake City, Utah  
1 vacancy - Arlington, Virginia  
1 vacancy - Falls Church, Virginia  
1 vacancy - Seattle, Washington

**RELOCATION AUTHORIZED:** No

**TELEWORK ELIGIBLE:** No

**HIRING PATHS:**

- The public

U.S. Citizens, nationals or those who owe allegiance to the U.S., and excepted service employees.

**SECURITY CLEARANCE:** Top Secret

**DRUG TEST REQUIRED:** Yes

**SUPERVISORY STATUS:** No

**TRAVEL REQUIRED:** 50% or less, You may be expected to travel for this position.

**MARKETING MESSAGE:**

This position is with the Board of Immigration Appeals (Board), within the Executive Office for Immigration Review (EOIR). The Board is a quasi-judicial body and is the highest administrative tribunal in the field of immigration law. It is comprised of a Chairman, Vice Chairman, and Board Members, who are appointed by the Attorney General. The Board has nationwide jurisdiction and the responsibility for carrying out the Congressional mandate that the immigration laws be applied uniformly throughout the United States. In carrying out its functions, the Board reviews formal orders of immigration judges and certain officers of the Department of Homeland Security (DHS).

**MARKETING LINK:**

<http://www.justice.gov/eoir>

**BENEFITS LINK:**

[https://help.usajobs.gov/index.php/Pay\\_and\\_Benefits](https://help.usajobs.gov/index.php/Pay_and_Benefits)

**SUMMARY:**

**Applicants who have applied to previous Board Member (Appellate Immigration Judge) announcements and/or other locations must re-apply to this announcement to receive consideration for this location.**



**If you are interested in a rewarding and challenging career, this is the position for you!**

**More than one position may be filled from this vacancy announcement.**

**DUTIES:**

Board Members are commissioned to serve in the capacity of an appellate immigration judge in formal, quasi-judicial proceedings to review the determinations of immigration judges in removal and related proceedings, and of certain officers of the DHS in visa petition proceedings and other matters. All members of the Board review the record on appeal, including briefs, exhibits, and transcripts, and hear oral argument when conducted. The Board Member may concur or present dissenting opinions based on his/her view of any given case. The majority of the Board Member's duties fall into the general categories of removal proceedings, discretionary relief, claims of persecution, stays of removal, visa petitions, administrative fines, bond and detention, and immigration judge. Although the majority of the Board Members' time concerns hearing appeals, the incumbent is also qualified to conduct and may be assigned to conduct proceedings in the first instance as an immigration judge.

**CONDITIONS OF EMPLOYMENT:**

- You must be a U.S. Citizen or National.
- You must undergo a pre-employment security investigation.
- Selective Service Registration is required, as applicable.
- Moving and Relocation Expense are not authorized.
- Relevant experience (see qualifications below.)

**QUALIFICATIONS:**

In order to qualify for the Board Member position, applicants must meet all of the minimum qualifications listed below.

**Education:** Applicants must possess a LL.B., LL.M., or a J.D. degree.

**-AND-**

**Licensure:** Applicants must be an active member of the bar, duly licensed and authorized to practice law as an attorney under the laws of a U.S. state, territory, Puerto Rico or the District of Columbia (include the date of your admission to the bar).

**-AND-**

**Experience:** Applicants must have a full seven (7) years of post-bar experience as a licensed attorney preparing for, participating in, and/or appealing formal hearings or trials involving litigation and/or administrative law at the Federal, State or local level. Qualifying litigation experience involves cases in which a complaint was filed with a court, or a charging document (e.g., indictment or information) was issued by a court, a grand jury, or appropriate military authority. Qualifying administrative law experience involves cases in which a formal procedure was initiated by a governmental administrative body.

**IN DESCRIBING YOUR EXPERIENCE, PLEASE BE CLEAR AND SPECIFIC. WE MAY NOT MAKE ASSUMPTIONS REGARDING YOUR EXPERIENCE**

Qualifications must be met by the closing date of the announcement.

**ADDITIONAL INFORMATION:**

Employment is contingent upon the completion and satisfactory adjudication of a background investigation. Selectee(s) must be able to maintain a top secret clearance. There is no formal rating system for applying veterans' preference to attorney appointments in the excepted service; however, the Department of Justice considers veterans' preference eligibility as a positive factor in attorney hiring. Applicants eligible for veterans' preference must include that information in their cover letter or resume and attach supporting documentation (see section entitled "Required Documents" for further details).

**Conditions of Employment:** Only U.S. Citizens or Nationals are eligible for employment with the Executive Office for Immigration Review. Dual citizens of the U.S. and another country will be considered on a case-by-case basis. All DOJ applicants, both U.S. citizens and non-citizens, whose job location is with the U.S., must meet the residency requirement. For a total of three (not necessarily consecutive years) of the five years immediately prior to applying for a position, the applicant must have: 1) resided in

the U.S., 2) worked for the U.S. overseas in a Federal or military capacity; or 3) been a dependent of a Federal or military employee serving overseas.

In addition to the minimum qualifications above, applicants must submit a writing sample which demonstrates their ability to author legal documents (not to exceed ten (10) pages) and a document addressing the Quality Ranking Factors (See "How You Will Be Evaluated" section) in order to be considered for this position. Failure to submit these documents will result in your application being removed from consideration.

**EEO Statement:** The United States Government does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, or other non-merit factor.

**Reasonable Accommodation Statement:** Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application and hiring process should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

**Direct Deposit:** All Federal employees are required to have Federal salary payments made by direct deposit to a financial institution of their choosing.

Alternative work schedule options are available.

You must file a financial disclosure statement in accordance with the Ethics in Government Act of 1978.

This is an excepted service appointment. Upon completion of the required trial period, the position will be permanent.

If you are unable to apply online or need to fax a document you do not have in electronic form, view the following link for information regarding an [Alternate Application](#).

#### **HOW YOU WILL BE EVALUATED:**

Applicants meeting the minimum requirements will be further evaluated to determine those who are best qualified. This determination will be based, in part, on the following quality ranking factors (QRF's):

1. Ability to demonstrate the appropriate temperament to serve as a Board Member.
2. Knowledge of immigration laws and procedures.
3. Proven ability to manage cases, preferably in a high volume context.
4. Experience handling complex legal issues.
5. Experience conducting administrative hearings, including proven ability or potential to serve as an effective decision-maker.
6. Knowledge of judicial practices and procedures.
7. Excellent analytical, decision-making, and writing abilities.

It is not expected that every successful applicant will have experience with all seven of the QRFs. However, applicants are required to address each of the seven QRFs in narrative form, to the best of the applicant's ability. The QRFs must be addressed on a separate document which indicates the number of the specific QRF you are addressing. Applicants should be thorough in addressing the QRFs. For example, when addressing QRF #3 (proven ability to manage cases) address the approximate number of cases handled in a given period of time, the applicant's specific role (first chair, co-counsel, responsible for the written brief only, etc.), and the length of time involved in a given role (lead counsel in 20 jury trials in 10 years). Applicants should also include specific examples of the types of cases, the number of court appearances made in those cases, and the case dispositions (plea, settlement, bench trial, Jury trial, etc.) Conclusory statements (such as "the applicant has been involved in a substantial amount of litigation") will receive little or no weight in the evaluation of the QRFs.

#### **REQUIRED DOCUMENTS:**

1. Resume documenting 7 years of legal experience post bar admission (include specific dates employed and if work was performed on a part-time or full-time basis).
2. Documents addressing the Quality Ranking Factors (QRFs). There is additional information regarding the QRFs under the "How You Will Be Evaluated" section.
3. Writing Sample which demonstrates your ability to author legal documents (one (1) only, and not to exceed 10 pages).
4. Documentation supporting eligibility for a special appointing authority (eligible veterans, disabled, etc.) Although the point system is not used, per se, if claiming 5-point veterans' preference, include a Form DD-214 or correspondence from the Veterans' Administration. For applicants claiming 10-point veterans' preference, a Form SF-15, VA or military letter dated 1991 or later, and Form DD-214 must be submitted. For applicants claiming disability, include documentation from licensed medical professionals, state or private vocational rehabilitation specialist, or any other government agency that issues or provides disability benefits.

**NOTE:** Failure to submit the documents above with your application package will result in your application package being removed from consideration.

**HOW TO APPLY:**

You must submit a complete application package by 11:59 PM (EST) on 12/21/2018, the closing date of the announcement.

- To begin, click Apply Online to create a USAJOBS account or log in to your existing account. Follow the prompts to select your USAJOBS resume and/or other supporting documents and complete the occupational questionnaire.
- Click the Submit My Answers button to submit your application package.
- It is your responsibility to ensure your responses and appropriate documentation is submitted prior to the closing date.
- To verify your application is complete, log into your USAJOBS account, <https://my.usajobs.gov/Account/Login> , select the Application Status link and then select the more information link for this position. The Details page will display the status of your application, the documentation received and processed, and any correspondence the agency has sent related to this application. Your uploaded documents may take several hours to clear the virus scan process.
- To return to an incomplete application, log into your USAJOBS account and click Update Application in the vacancy announcement. You must re-select your resume and/or other documents from your USAJOBS account or your application will be incomplete.

**NEXT STEPS:**

We will evaluate the qualifications and eligibility of all applicants, and then assess those who meet the minimum qualifications. All candidates who meet all the minimum requirements will be referred to the hiring official for further consideration. We will notify you of the final outcome after all of these steps have been completed.

**AGENCY INFORMATION:**

Executive Office for Immigration Review  
5107 Leesburg Pike  
Ste. 1900  
Falls Church , VA 22041

**QUESTIONS ABOUT THIS JOB:**

Tyler Walls  
816 426-5706  
[Tyler.Walls@opm.gov](mailto:Tyler.Walls@opm.gov)